

**MEDICAL BOARD OF CALIFORNIA – DIVISION OF LICENSING
DEPARTMENT OF CONSUMER AFFAIRS**

INITIAL STATEMENT OF REASONS

Hearing Date: July 29, 2005

Subject Matter of Proposed Regulations: Precedent Decisions-Division of Licensing
Section Affected: Adopt CCR Title 16, §1304.5

Specific Purpose of each adoption, amendment, or repeal: This proposed regulation will enhance and strengthen the Division's authority by allowing the Division to deem that an administrative decision, or a part of an administrative decision, is a precedent-setting decision. A precedent-setting decision may be utilized by the representatives of the Attorney General's Office, Administrative Office of Hearings, and applicants and their attorneys to help ensure applicants will be treated in a consistent manner.

Factual Basis: This regulation would help ensure the Division of Licensing's decisions are consistent.

Underlying Data: This proposed regulation is identical to the Medical Board of California, Division of Medical Quality's, CCR, Title 16, §1364.40

Business Impact: This regulation will not have a significant adverse economic impact on businesses.

Specific Technologies or Equipment: This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives: No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the board/bureau/commission/program would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered:

1. To not adopt the proposed regulation and have the risk of decisions being inconsistent.

This option does not provide for consistent application of the law.

2. Adopting CCR Title 16, Section 1304.5 will provide the means to ensure decisions are consistent.

This option will assist in providing consistent applications of the law.